



SPONSOR: Sen. Bushweller & Rep. Lynn
Sens. Cloutier, Lavelle, Sokola; Reps. Kowalko, Miro,
Paradee

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 58

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE VICTIMS' BILL OF RIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 9411, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 9411. Information concerning pretrial and trial matters.

(a) After a prosecution is commenced by the Attorney General in the Superior Court, the Attorney General shall promptly inform a victim of:

(1) A statement of the procedural steps in the processing of a criminal case;

(2) Rights under this chapter;

(3) Procedures if the victim is threatened or harassed;

(4) Victim compensation information when appropriate;

(5) The right of the victim to confer with the prosecutor prior to trial;

(6) The right of the victim to consult with the prosecutor about the disposition of the case, including the victim's views on dismissal, plea negotiations or diversion programs;

(7) The right of the victim to be present at trial and sentencing;

(8) Notice of the scheduling of court proceedings and changes including trial date, case review and sentencing hearings;

(9) Notice of the crime or crimes of which the defendant is convicted;

(10) Notice of the specifics of any sentencing order;

(11) Notice of sentence reduction or modification order; ~~and~~

(12) Notice of a reversal upon appeal of a conviction; and

(13) Information about assistance programs including victim-initiated victim offender dialogue and the apology letter bank.

(b) In all other courts, the Attorney General shall give the victim:

(1) Notice of the scheduling of the court proceedings and changes, including trial date, case review and sentencing hearings;

(2) Notice of the crime or crimes of which the defendant is convicted;

(3) Notice of the specifics of any sentencing order; ~~and~~

(4) Notice of sentence reduction or modification order; and

(5) Information about assistance programs including victim-initiated victim offender dialogue and the apology letter bank.

In the Municipal Court the notice required by this section shall be provided by the Court.

Section 2. Amend § 9416, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 9416. Consideration of victim-impact statement at Board of Parole hearing or Board of Pardons hearing.

(a) The Board of Parole shall inform the victim in writing of:

(1) The right of the victim to address the Parole Board in writing or in person; ~~and~~

(2) The decision of the Parole Board; ~~and~~ and

(3) Information about assistance programs including victim-initiated victim offender dialogue and the apology letter bank.

(b) The Board of Pardons shall inform the victim in writing of:

(1) The right of the victim to address the Board of Pardons in writing or in person;

(2) Any commutation of sentence that is recommended by the Board; ~~and~~

(3) Any pardon or commutation that is granted; ~~and~~ and

(4) Information about assistance programs including victim-initiated victim offender dialogue and the apology letter bank.

SYNOPSIS

This Act ensures victims of crime are afforded as much information as is available to assist them through the trial, sentencing, and post-conviction phases of a criminal case.

Author: Senator Bushweller